

### REMARKS

This Response is submitted in reply to the Office Action dated October 22, 2008. Claims 10-29 are pending in the present application. Claims 10-12, 14, 20, and 27 have been amended. Claims 10, 20, and 27 are in independent form. No new matter was introduced as a result of the amendments. Please charge deposit account 02-1818 for all fees due in connection with this Response.

The Office Action rejected claims 10-19 under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention, particularly, for insufficient antecedent basis for the terms “the gateway control device” and “the gateway” in line 10. In light of the amendments made herein, Applicant respectfully traverses such rejection.

The Office Action rejected claims 10-13 and 15-29 under 35 U.S.C. §103(a) as being unpatentable over Rabipour (US Pat. No. 6,601,846) in view of Kirla (WO 01/45291 A1), further in view of Nicholls (US Pat. No. 6,223,154). The Office Action also rejected claim 14 under 35 U.S.C. §103(a) as being unpatentable over Rabipour (US Pat. No. 6,601,846) in view of Kirla (WO 01/45291 A1), further in view of Nicholls (US Pat. No. 6,223,154), and further in view of Vassiliou (US Pub. No. 2002/0191589). In light of the amendments made herein, Applicant respectfully disagrees with, and traverses, such rejection.

Regarding independent claims 10, 20, and 27, the Office Action admits that “the combination of Rabipour et al. and Kirla et al. does not specifically disclose sending a threshold value from a gateway control device to a gateway.” (Office Action, page 7) Rabipour discloses storing a threshold delay, e.g., 10 msec, in the echo suppressor, and performing echo suppression based on a comparison between the threshold delay and the echo delay D(k). (Rabipour col. 5, ln. 65 – col. 6, ln. 3) However, Rabipour does not disclose, teach, or suggest “sending the threshold time value from the gateway control device to the gateway;” as currently recited in independent claim 10, and similarly recited in independent claims 20 and 27. Kirla discloses a delay measurement system in a packet network, but does not disclose, teach, or suggest a “sending the threshold time value from the gateway control device to the gateway;” as currently recited in independent claim 10, and similarly recited in independent claims 20 and 27.

The Office Action then states that “Nicholls et al., in the field of communications, discloses signaling a dynamically set echo threshold (See column 8 line 56 to column 9 line 36

and Figure 10 of Nicholls et al. for reference to dynamically setting an echo threshold used to determine and eliminate echo in voice signals).” (Office Action, pages 7-8) Nicholls discloses a portable communication device using a voice activity detection algorithm as part of encoding speech signals. (Nicholls, abstract) The voice activity detection algorithm uses parameters resulting from the processed speech data to calculate a staggered average of frame energy to determine if the frame energy exceeds a threshold voice indicator value. (Nicholls, abstract, col. 3, lines 16-47, col. 5, line 11 - col. 6, line 6, fig. 3) A digital signal processor located in the portable communication device performs tasks including speech encoding and decoding, voice activity detection, and calculates the staggered average frame energy. (Nicholls, abstract, col. 4, lines 18-35, col. 5, lines 11-45) The threshold voice indicator value may be dynamically determined using the staggered average frame energy under non-voiced conditions. (Nicholls, abstract, col. 7, lines 1-36, col. 8, line 56 - col. 9, line 8) However, the dynamic threshold voice indicator is determined in the digital signal processor located in the portable communication device. (Nicholls, abstract, col. 7, lines 1-36, col. 8, line 56 - col. 9, line 8) The disclosed dynamic threshold voice indicator is not a time value, but rather a energy value. Further, the disclosed dynamic threshold voice indicator is not determined in a gateway control device, and is not transmitted from a gateway control device to a gateway. (Nicholls, abstract, col. 7, lines 1-36, col. 8, line 56 - col. 9, line 36, figs. 2, 3, 4, and 10) Accordingly, Nicholls does not disclose, teach, or suggest a “sending the threshold time value from the gateway control device to the gateway;” as currently recited in independent claim 10, and similarly recited in independent claims 20 and 27.

The Office Action further states that “sending signals from a gateway controller to a gateway to change the operation of the gateway is well known in the field of voice communications. Therefore, it would have been obvious to include signaling a set echo threshold, as disclosed by Nicholls et al., with control signals sent from a gateway control device to a gateway, as is old an well known, with the system and method of Rabipour et al. and Kirla et al., with the motivation being to dynamically change and update an echo threshold used to control echo suppression.” (Office Action, page 8) However, as explained above, Nicholls does not, as stated in the Office Action, disclose “signaling a set echo threshold ... with control signals sent from a gateway control device to a gateway.” (Office Action, page 8) The limitation of “sending the threshold time value from the gateway control device to the gateway;”

as currently recited in independent claim 10, and similarly recited in independent claims 20 and 27, is not old and well known. Moreover, the Office Action specifically admits that the combination of Rabipour and Kirla does "not explicitly disclose sending a threshold value from a gateway control device to a gateway." Nicholls does nothing to supplement Rabipour combined with Kirla with respect to disclosing, teaching, or suggesting the limitation of "sending the threshold time value from the gateway control device to the gateway," as currently recited in independent claim 10, and similarly recited in independent claims 20 and 27.

Therefore, Rabipour alone, Kirla alone, or Nicholls alone, or any combination of Rabipour, Kirla, and Nicholls, does not disclose, teach, or suggest all of the limitations of independent claims 10, 20, and 27 as currently claimed.

All of the other pending claims depend from independent claims 10, 20, and 27. Therefore, Applicant asserts that dependent claims 11-19, 21-26, and 28-29 are now in condition for allowance.

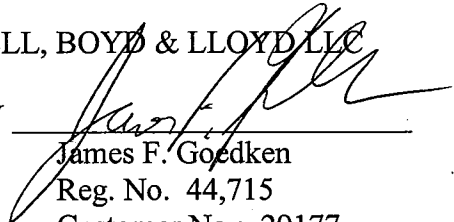
For all the reasons provided above, Applicant submits that all of the claims are in condition for allowance. An earnest endeavor has been made to place this application in condition for formal allowance and such action is courteously solicited. If the Examiner has any questions regarding this Response, applicant respectfully requests that the Examiner contact the undersigned.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY

  
James F. Goedken

Reg. No. 44,715

Customer No.: 29177

Dated: January 22, 2009